Civil liability arising from a breach of privacy by media Audio - Video

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ABSTRACT
One of the most important categories human rights linked with responsibility and accountability is right on privacy policy. Need to respect the right by media Audio - Video among the issues that less is addressed; hence recognition of the right to privacy and its related fields media Audio - Video it is essential to be determined because the nature this concept. This is the main function of the media "publishing" linked and it has created lines labyrinthine, enigmatic and complex. Assuming fulfillment of the fault and compensation by mechanism for civil liability, discuss how compensation rate and type of Compensation and precedes the person responsible for the compensation etc. Some of these challenges can referring to civil Liability Act 1339 said, but in response to some other needy comprehensive legislation in this area has: if privacy breaches of citizens, media Audio - Video with each character are responder and required to compensation damages. Hence, in the light citing general law on civil liability can be expect with comprehensive legal writing, the comparative approach rights of other leading countries in this field and also the self-regulatory rules, compensation arising from privacy breaches by media Audio - Video.

Introduction

Media Audio and Video nowadays have become one of the most important means of entertainment and information. The published information by media Audio - Video by anchors and anchor or by business intelligence contacts makes a belief precious and profound. Hence it should required accuracy limits the amount and quality of the information given be used to listeners and viewers, because presentation and dissemination some of news and information, and the images may entry be considered to violation privacy of individuals. So first important issue it is that which of media behaviors is considered privacy breaches. This topic from in that direction it is important the main function Media Audio video namely broadcast audio and video individuals can be interpret to privacy breaches. Nowadays in ordinary laws and national constitutions and in legal procedure it is anticipated mechanisms protection of privacy breaches.

Some of these mechanisms through criminalization and by penal code designated but redress caused by privacy breaches by media Audio - Video is new issues, that need to understand two important areas of rights namely privacy and civil liability the link is about media Audio - Video. In this article author after conceptualization of privacy Policy areas and link, it with audiovisual media will discuss to about actions authority of the state and ways compensation damages.

A - Knowing concept and privacy Policy areas in association with media Audio – Video:

Historically origin appearance right on privacy Policy returns to19th century. In 1980 Samuel D. Warren, LOUIS D. BRANDEIS in his work with "Right to privacy" The right to were considered as one of the most effective and important means of human life obviously the law. Before the publication of this, article none of courts of America this issue explicitly had not been identified as a legal right but then the Courts and have been applied the right at various levels and fields. Privacy Policy a cultural and a social and human context the role are time and place of its definition. Community approach with a variety of social and moral norms is different the issue of privacy. The overall respect the privacy of living individuals, involve respect to home housing, people at work and confidentiality of communications and their correspondence. Iran article 2 Protection of Privacy Act privacy it is defined by:

Privacy territory of each person's life is the person with notice or Mystics within the law, expected to others without the consent not enter into it or it may not look or monitoring and or no access to information about or it would not be molested his territory. Object, clothing and things with individuals, private residences and homes,
workplaces, personal information and private communications with others, are privacy. Accordingly, confidentiality, anonymity and privacy are the main elements privacy Policy. The first is dedicated to individual and previously unpublished openly and public is considered part of personal privacy. Because to realize privacy violations or not should be given to "Legitimate expectation". It is certain that everyone has the right to privacy, but it is also clear that enjoyment of this right is subject to behavior, character and spatial organization of person it chooses.

The right to privacy, it is important to note that someone has an idea what to expect and of it. The separation of the three domains is different waiting for the use and enjoyment of privacy Policy. Indoors such as housing, confined space such as office and public open space such as streets and shops. Obviously, to the extent that the person enjoyment of the right to privacy has in your home can not the extent of this right is space is limited and open to the public. Other input to each of these spaces can also lead to different responsibilities. For example, if you have a voice in the media - video, audio or image, it acquired by a citizen at her home or in a public place. It take action to open or close audio or video playback. Although the in all three cases it is a violation of privacy, but certainly not the same degree of violation, as a result, accordingly, the responsibility must also be defined different form.

On the other reputation can also be included on various species. reputation may is by election or appointment, like political figures, judges or other public officials, known by achieving a good position to win, due to chance, or a royal status. Systems based on democracy in cases where person be obtained its reputation due to the political situation the reason for government transparency and accountability systems will benefit from less than privacy Policy. People like film stars, TV host Models wear, Sports Champions and owners due to work and reputation are a great success lose their privacy against known greatly. However, if the due to accident or chance personal anonymous and or wretch be the row celebrities and well known should not be any be violated his privacy. One may by to gain a lot of money in a lottery there is good future for them, but it would be absurd to imagine release the pictures and sound of his voice by the media – video (Paul, 2004).

On the other discuss examples of violations of privacy it is important the broadcast media - video. Issue that many of statute book it has been emphasized among Radio and Television Law of England 1996, copyright law and Trademark 2002 in this country¹, privacy Act Electronic Communications America Act of 1986. The violations can occur when image and publishing statements, audio and video recording and playback. In certain places and situations, publication of private facts and disclosure information is invalid. However, the necessary to protect legitimate if the violation of privacy remedy is according to law statute. Publication person’s image or voice at media Audio - Video without the consent of the individual, is clear violation of the right to privacy, because image is part of his personality and is examples of important privacy Policy. Also, publish Image in public places limited should be subject to legal agreement and is breaching with civil liability and compensation. In this regard, Article 50 Protection of Privacy Act in Iran provided that: While filming or imaging offices, institutions and places those already necessary permits have been obtained from their competent authorities. Because employee consent or people access to there and in a minor accident and exposure are filmed, it is not necessary unless the location of the most sensitive mystic places, like hospitals, prisons, police stations and madhouse be that in this case, it consent from the patients or their parents or legal guardians.

Note - video and Imaging this material must be notify in advance to open the doors to the top staff and office employees, institution or organization that is they filmed or photographed. So at bill mentioned, the resolution is attached legislator to protection of Privacy between the public and private sphere and subject area. It is not considered privacy Policy propagation vector image of people who are accidentally exposed to Fame Looks despite the public announcement for those who do not want their pictures even if you happen to be published is an appropriate mechanism for more respect the right to human worthy in the field of communication. The total in public places open also must be protection of Privacy the limit reasonable and legitimate expectations. Perhaps this is why with emphasis on the "Legitimate expectations" prescribed article 44 Protection of Privacy Act. "Release name, photo and other details of life (e.g., job, position, location, etc.) as a result of accidents or natural or artificial persons with physical or mental injuries are unpleasant in the mass media. The standard expected, than there is no publication is prohibited except with the permission of their own, their representative or surrogate. Legitimate expectation general expectation is that is created relying on Citizens legal certainty and consistency of decisions, notice of administrative policies and February in association with public officials, especially officials and public authorities and it is imperative support the reasonableness of the condition.

Therefore, about privacy the concept of legitimate expectation can arise with conditions for citizens. Each person must "Personal expected and actual is from privacy in certain circumstances. Community should also be ready, "expect objective" as a reasonable. People when they are known, their Privacy lose by media. In addition, persons various reasons may be famous through a news release or image in the media. Due to the reasons person by whom to be known it is essential and should detailed balance between disclosure and lack of disclosure there is in any particular case. Media Authority should be able to balance between disclosure and privacy (Paul, 2004). Perhaps the best criterion for the media to follow the law is clear and logical; hence, media owners need
to pass laws that privacy to recognize as a respectable value. These rules can be propose and adopted by media, union related media, writers, media owners or private.

A study in 2008 on the rules of relevant media Audio - Video in 30 European countries has shown that 87 percent of these rules need revised to promote the right to privacy. Media Law in the North American and Asian countries they also need to respect the Privacy Policy. There is a fundamental conflict media professional between respect to right to Privacy and create a favorable media and protection of the right it may in the light transparent rules and procedures for protecting rights. Media as powerful modern information tools, are important the notification and reflect public opinion. Always in the Media there has been concern that under the circumstances, casts its objectives and tasks objectives set aspects of people’s lives and cause privacy. Although the despite media audio - video free is condition for the existence of a democratic society, but may on the pretext of rational discourse and critical abuses to occur privacy of individuals (Mohseni, 1390).

Research about publication to some extent it is difficult especially with the development of satellite communications and electronic. The most important issues related to human character is privacy Policy that its widespread violation may be by publish a story, news or photo by media Audio - Video. Publication is means distribution or access to basic story by others. The crucial role of the media Audio - Video in the privacy of others it is what is legal among right to privacy but it is important medium can be entered in what areas of privacy. Nature of intervention privacy Policy is the relativity and may change at any time. It is provable because technological advances in recent years occurred concerning privacy (David, 2002). Right entitlement of privacy in public spaces nowadays has become a Challenge essential for governments. The important thing is that is it possible to attack right on privacy the public space or is considered this thread breach of peace and quiet.

Reality it is nowadays is growing the number of related programs private Life people and the concept of private life has changed in this that is area covered and away from any type of surveillance. As a result, this topic has led to the change realm of private life. Hence is said that rape Media Audio - Video to privacy of individuals involve four elements:
- The dedicated be included personal interests among names and pictures of people.
- Interference which includes is location privacy, home and communications.
- Public disclosure of private facts.
- Create cynicism in the public space that makes a person isolated and ashamed.

Before the discussion on the responsibility of broadcast media - video, it must be understood that what the difference between these areas is; On the one hand, cannot be regarded as a realm of privacy all fields newsworthy by the media. Because the subject is a human and social media either by himself or by the community formed in the form of legal entity. Assuming distinction privacy legal characters complicating the issue somewhat, if the any individual or legal entity claiming all actions and their data will remain protected on the pretext of privacy violations and make program decisions it is difficult for the Media but on the other side of privacy is the delicate border. Balance between the building and broadcast it is difficult no offensive privacy policy.

B - Critique referring to public Power for Disclaimer:

Today, unlike the past villainies system, state Immunity dropped over time. Unlike the notion that "Against position own the situation is law no legal there cannot be to claim for damages". In light of the economic growth another safety feature is no defense; hence the rights of civilized nations such as France not just the responsibility of government accepted as a legal entity the law and court procedures the transparent and clearly also sole responsibility of employees issues is limited to a very small already.

In the support of civil rights with the development civil liability system, scope of damages that should be compensate highly developed and the excess is recognized employees responsible for errors (Hadavand, 1389). It specifically there is also in case of audio media - video. Administrative practice and procedure in our country, private and public family movie releases is considered "Security breach". Probably due to the lack of laws to protect privacy, the police force is putting privacy titled "Social Security" compensation corner of legal shortcomings. Discourse loan officers the State it is evident rather than worries about individual aspects of these phenomena and relationship violation of personal rights, are preoccupied with the state dimension (Nobahar, 1387).

Apart from supporting the criminal law aspects of the private lives of individuals, also it is necessary it is a violation of rights containing redress from civil liability. The challenge in this regard is the nature and structure of the organization returns to television is operator audio and video services citizens. In countries where the state broadcasting organization structure there are ability to problem size. In Iran, citing the possibility of applying the rule and public power may cause sound and Vision refuses to its obligations and civic responsibility about compensation. Fault theory acceptance in the realm of civil liability, the fact that French court settlement votes in Blanco well it is shown: It is the responsibility of government, not a general, but not absolute. It is the responsibility special rules have been that to substantially join the need for services and the
need to coordinate state law with privacy rights of individuals (Rolf, 1958). In light of such a theory is only that to exclude the possibility there are compensation for losses resulting from acts of legal literature called "Acts of sovereignty" or "Political action" of course in France, today Rights is gone this theory. So fault tolerance and survival theory in the realm of civil liability the fact that unlike private entities, government cannot and should not be held accountable than all their actions (Zargosh, 1389).

C - Base and elements of civil liability due privacy breaches at media Audio – Video:

The purpose of the civil Liability Media Audio - Video it is that if the activities of the media as a result, act or leave act people are active with purposes and different titles in the Media damage coming into to the citizen, what person or persons and on what basis are required to compensation damage (Ansari, 1387). For example, the contentious issue, Is the theory of fault-based liability or risk? In the event of a breach of privacy who is responsible for the media Audio - Video? Is individual or partnership kind responsibility etc, analyze and describe the items in the Iranian legal system because it seems important that according civil Liability act everyone damage to the other disclaimer compensation damage stemming from their actions, but in the case of audio and video media because lack Doctrine and precedent thread vague and general partly. For example in Standard monitoring division in sound and Vision, which is published in June 1381, no indication to privacy and law nee organization Policies that in 1361 has been approved parliament is not mentioned in privacy breaches and its enforcement (Mohsenian, 1388).

First discussion of basis for civil liability is about media Audio - Video. In Iranian legal system, we know civil Liability law to devices that make use of sovereign power and general Power of Experience fault theory is and only in exceptional cases legislators have been deviation from this theory. Responsibility system no fault often say that disclaimer based on risk is free any fault of it can be relevant documentation to be management practice or its agents. The system the basic requirement is not responsible the fault and therefore injured to receive compensation does not require to confirm that the department or its agents have committed a fault in carrying out its duties. On the contrary, cannot run evidence that is not committed fault, their does innocent of responsibility, once the operation and administration of the damage, there was about causation namely causation, is fixed and known responsibility.

Based on fault theory to prevent this damage should take note of media Audio – Video the following unable to meet their responsibilities to based on fault theory or civil liability based on the fault:
- To prevent privacy breaches must remain confidential records.
-All information must be clearly and specifically identified and segregated.
-Cannot be the basis of incorrect information in a story or picture playback.
-No employee voice in the media - not the image data privacy to share as long as not broadcasting license it (George et al., 2012).

The discussion is about the realization of civil liability. Damages or losses, causation between the alleged harmful act and the circumstances in which civil liability are required to accomplish. However, should the situation the subject matter of the violation privacy pose the broadcast media - video? Losses associated with privacy breaches can be consider losses among the intellectual, which is associated with right to privacy, dignity and honor of individuals. It is the purpose of spiritual loss to be damaged dignity, reputation or the reputation of a person or his feelings (Ghasemzadeh, 1388). So loss of intellectual losses resulting from violating the rights of non-parties and is getting hurt and hurt to eat some values that have a spiritual side (Safaee, 1390). In addition, loss of intellectual pain and suffering that is associated with psychological distress. Damages arising out of violations of privacy, we have spiritual side harm to honor and reputation of individuals.

Damage or infringement of intellectual privacy is compensated like material losses , but the financial compensation is controversy and uncertainty by money. Many material losses, among privacy cannot be assessed by the media and money due to the lack of objective criteria and may be compensated by money fails to compensate rights of the injured. Finally the choice between the money and other forms of compensation for non-financial such as, obligation to apologize, inserted sentence appears in publications finally, the first method be selected by the injured. It is also noteworthy that is also possible the collection methods. Protection of Privacy Act in the identification and communication of information privacy protection of privacy and civil it is recognized the moral and material damage.

According to Article 76: Moral and material damage as a result of violation of privacy is entered into people could be damaged the rules of civil liability compensation for all your losses appealing to the court. Although the bill it is not clear how compensation but it seems with reference to the law of civil liability has been renewed emphasis on re the moral and material compensation violation of privacy. The important point is that the language of the bill the authors of separation have not been between the private media and government although the separation practices no clear and precise meaning and significance. In addition, the text is another important problem; the problem is that specific rule is not anticipated for compensation only notes that should be compensated for losses according to rules of civil liability. However, other important questions the how to explain the kind of responsibility? In case of breach of privacy by the media, it is the responsibility of the
individual or partnership. The assumption that it is the responsibility of the act that person should act or fault of entry and loss, be established about causation.

Responsibility to justify due privacy the broadcast media - video, can be invoked in a variety of legal theories. One of the most important theories is near the idea immediately. Adapt to this comment "Among the factors that have involved the harm, only the closest agent to damage phenomena should be considered in terms of time; damage should be attributed to nearest cause". In this theory, to find a solution the cause of and corollary the consequences of one's actions preparation is only be responsible the last result and be forgotten other causes (Katozian, 1390). Because of the close is device to refine causes terms and conditions rejection reasons avoiding the reasons no relationship conventional essential with the incident. For example, if the person stories provide as media reporter, editor of the literary hand's editing could, and director agrees with the broadcast news should only be responsible for distribution, the Director of Broadcasting it is the closest. View has been criticized because failure to comply with standards of justice and fairness. Another theory the conventional theory is the main cause. Looks the main cause of theory or conventional is more consistent with Islamic law and jurisprudence close together can cause is examples of reasonable cause. Under the terms "Loss factor should be attributed to the usually, according to the ordinary course of affairs is of its emergence (Safaee, 1390). Therefore, distinction was without this causes a loss and the absence of have provided for impact cause (Ansari, 1387).

So magistrate to verify that do you have a certain event and the primary ordinary loss if must decide the facts have occurred pre-entry losses. The theory due to certain difficulties should be examined the case and in a specific case. Perhaps because of this complexity subject is not clear in civil liability that some have been Special status in relation to causation liability media-related activities. The causation at responsibilities due activities Media Audio - Video include from relation with Concessionaire or owner media. Indeed owner of the acceptance of his media ownership or by accepting responsibility, accountability, the individual has civil terms. The responsibility therefore, included civil liability arises from the violation of privacy. Of course must be said that theory the legal not have rights in Iran only remains in the limit plan a theory. Despite the media Audio and Video in Iran more public funds are private funds, looks this refers to the general acceptance of anticipated the responsibility even in the future is unlikely the most popular form of government. It certain minimum rules civil liability for audio and video media be approved by the at least the government, he is responsible for if the violation of privacy regardless of the action is made by a natural or legal person. In this regard, search by blaming another person injured will be excluded from compensation their losses.

Conclusions and Recommendations:
Various functions of institutions providing public services, has created new challenges for these institutions in various fields among the civil liability. As passed, one of the areas of civil liability media Audio - Video is in association with privacy citizenship. Terms specialization and possible conflicts rights and duties of citizens and government, it is likely that rights that in the media Audio - Video to be confronted with threat. In response to these threats, compensation should be mechanisms in the form of civil liability way of achieving the minimum rights as citizens against media. The Iranian legal system privacy Policy media Audio - Video also civil liability regime multifaceted and ambiguous concepts are in doctrine, legislative and judicial procedure; As a result, these three are the connection cannot be transparent and lack of theoretical and practical challenges. Explanation a topic that media Audio - Video should to recognize privacy citizenship should not be pale according to the theory of public power and cause the ignored government their obligations.

In absence of a specific civil liability regime in the media Audio - Video in the light of the matter in the law of civil liability cannot expect reaching people if the violation of their privacy in relation to this the media; Because the law with its own literature does not provide adequate assurance to access and compensation rights. On the other, legitimate expectation that every citizen is privacy should not be interpret in such a way main function of the Media ineffective is impairs the propagation of sound and image. It is also necessary despite the clear and logical the Principles, Guidelines, and compensation practices of spiritual among is predicted violation privacy Policy. Therefore, it is essential in addition specific legislation in this area, privacy Policy as a right of humanitarian by existing mechanisms. The system of civil liability is legislative support thereby be expected formation procedures of the circuit expected in this arena.

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